

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P M**

October 1, 2002

MINUTES

1. Call to Order

Mayor Mike Simpson called the Meeting to order at 6:30 p.m. and announced a quorum of Council members was present.

Council present: Mayor Mike Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Allen, Council member Nichols, Council member Lafata and Council member West.

Staff present were: City Manager George Purefoy, Assistant City Manager Jason Gray, Assistant City Manager Scott Young, City Engineer Frank Jaromin, Director of Planning John Lettelleir, City Attorney Richard Abernathy and City Secretary Nan Parker.

2. Invocation

Gayle Landis, First United Methodist Church offered the prayer.

3. Pledge of Allegiance

Briana and Connor Quigley led the audience in the Pledge of Allegiance.

4. Citizen Input (To begin approximately at 7:30 p m)

Jennifer Howard presented a petition to the Council requesting denial of seasonal permit to "haunted trail/hayride" located on the northeast corner of S.H. 121 and Coit Road in Frisco, Texas (Roger Lawler property owner). No formal action taken.

5. Reports

a) Planning & Development Monthly Report

Council member Lafata requested that population estimates be based on residential Certificates of Occupancy. The estimate population as of September 1, 2002 based on NCTCOG data was 56,497.

b) Engineering Services Staff Report

City Engineer Frank Jaromin updated the council on the status of improvements to North County Road. He informed the council that the project will be going out for bids shortly.

Mayor Pro-Tem Reveal asked about the status of relocation of telephone poles and power lines along the construction of Eldorado Parkway at Custer Road. Mr. Young informed the council that the plans were to relocate the poles before the final acceptance of the project.

c) Parks and Recreation Staff Report

Dudley Raymond updated the council on the built in plans for hike and bike trails.

Rick Wieland updated the council on the "Mother-Son Dance" held on Saturday, September 28, 2002.

He (Wieland) updated the council on the fire that destroyed approximately 40% of the Fellowship Park on McKinney Road. The Council discussed the feasibility of video monitoring. Interim Assistant City Manager stated that the IT was already looking into the feasibility and costs.

d) School Zone Update

Council member West and Mayor Pro-Tem Reveal stated that they were not happy with the school zone update. Mayor Pro-Tem Reveal and Council member West requested that the School Zone times be extended from 7:15 a.m. through 8:50 a.m. and 2:15 p.m. until 4:30 p.m. at the sites where there are middle schools and elementary schools located adjacent to one another. Council also suggested including the streets in the school zones in which children are riding their bicycles. Mr. Purefoy suggested that any changes that may be done should be corrected immediately. He asked if the on-street trails along Jereme Trail might be satisfactory to the Council as a temporary measure.

e) Quarterly Attendance Records of Boards

Council instructed the City Secretary to work with departments to create a uniform attendance record of boards.

f) Project Status Tracking Reports

No discussion.

g) SH121 Batch Plants Report

Doug Mousel was present to address the council regarding SH 121 Batch Plants. Discussion only, no formal action was taken.

6. Consent Agenda

The Council considered the consent agenda for approval. Council member Allen moved to approve the Consent Agenda. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

- a) Approval of the Minutes of the Regular City Council Meeting of September 17, 2002 (City Secretary)
- b) Approval of Pay Application Number 5 in the amount of \$39,198 00 to Hunt Construction Group in accordance with the Owner's Representative Agreement for work regarding the Frisco Sports Complex (City Manger's Office/SY)
- c) Award of QISV Quotation for Computers to IBM for Notebooks and to Clone Computer Corporation for Desktops an Monitors (City Manger/KH)
- d) Award of bid number 0208-036 for 2003 Model ¾-ton and 1-Ton Pick-Up Trucks to Village Ford of Pilot Point (City Manager/KH)
- e) Approval of Interlocal Agreement By and Between the City of Frisco and the Collin County Governmental Purchasing Forum to Utilize the City of Plano's Bid Number C203-00 to Contract for Services with Dataprose for Utility Bill Printing and Mailing Services (City Manager/KH)
- f) Authorization to accept a bid for one ambulance provided by Braun Industries at a cost of \$162,550 00 with funds provided by the 1999 bond issue (Fire Department)
- g) Approval of a contract with Darrel Davis for Artwork on Preston Road and adoption of **Resolution No. 02-10-145R** therein authorizing the City Manager to execute the Agreement (Parks and Recreation)
- h) Approval of payment of Invoice Number 1523613 for \$1,000 00 to Carter-Burgess, Inc for Concept Alternatives for the completion of Southeast Community Park Master Plan (Parks and Recreation)
- i) Approval of payment of Invoice Number 1523552 for \$48,971 33 to Carter-Burgess, Inc. for Design Development for the completion of McKinney Road Park (Parks and Recreation)

- j) Approval of change order for Professional Services to F&S Architects for the Senior Center in the amount of \$3,200 00 (Parks and Recreation)
- k) Approval of payment of Invoice 140002 and 140003 to Newman, Jackson, Bieberstein Landscape Architecture in the amount of \$32,645 67 for The Trails of Frisco Neighborhood Park (Parks and Recreation)
- l) Approval of a contract for RLK Engineering in the amount of \$3,200 to prepare survey work for land acquisition and adoption of **Resolution No. 02-10-146R** therein authorizing the City Manager to execute the Agreement (Parks and Recreation)

END OF CONSENT AGENDA

7. Legislative Agenda

The Council considered the Legislative Agenda for approval. Mayor Pro-Tem Reveal moved to remove Item H. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to approve the Legislative Agenda, excluding Item H. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

- a) Approval of Final Plat: Turnbridge Manor Phase Three, 166 Single-Family-5 lots on 42 9± acres on the east side of Independence Parkway, 1,500± feet north of State Highway 121 Zoned Planned Development-154-Single-Family-5 Neighborhood #27 Applicant(s): Turnbridge Manor, Ltd (Planning – LS)
- b) Approval of Site Plan, Conveyance Plat & Final Plat: Northstar Business Park Addition, Block A, Lots 2 and 3, An office-warehouse on two lots on 12 9± acres on the east side of John Elliott Drive, 360± feet south of Technology Zoned Commercial-2 Neighborhood #46 Applicant(s): C & B Electric (Planning – LS)
- c) Approval of Site Plan, Final Plat, & Conveyance Plat: Lakes at Preston-Wade, Phase 2, Block A, Lots 1 & 2 (Preston-Wade Storage), A retail and self-storage facility on two lots on 4 5± acres on the south side of Wade Boulevard, 350± feet west of Preston Road Zoned Industrial and Commercial-2 Neighborhood #23 Applicant(s): Sandford Properties (Planning – MH)
- d) Approval of Final Plat: Lakeside at Lone Star Ranch, 113 Single Family-4 lots on 51 0± acres on the west side of Teel Parkway 750± feet south of Lebanon Road Zoned Single Family-4 Neighborhood #37 Applicant(s): Lakeside HSM, Ltd (Planning – MW)

- e) Approval of Preliminary Site Plan & Conveyance Plat: Teel Crossing II (NWC Teel & Main), Three retail buildings and two bank buildings on four lots on 15.4 ± acres on the northwest corner of Teel Parkway and Main Street Zoned Commercial-1 Neighborhood #45 Applicant(s): PBS&J (Planning – MW)
- f) Approval of Site Plan & Final Plat: Tenet Hospital, Block A, Lot 1, A hospital and two medical office buildings on one lot on 32.1± acres located on the southwest corner of Lebanon Road and Coit Road Zoned Highway Neighborhood #28 Applicant(s): Tenet Health System (Planning – MW)
- g) Approval of Preliminary Site Plan, Site Plan, Final Plat and Revised Conveyance Plat: LDC Clearview Addition, Block A, Lots 1-4, Two retail buildings, four restaurants, and one bank on four lots on 9.5± acres on the northeast corner of SH 121 and Preston Road Zoned Highway Neighborhood #29 Applicant(s): Compass Bank & The Richmond Group (Planning – MW)
- h) **Adoption of Ordinance rezoning 15.7± acres 560± feet north of Main Street, 2,870± feet east of F M 423 from Agricultural to Single Family-4 Neighborhood #44 Zoning Case Z2002-0021 Applicant(s): City of Frisco (Planning – MH)**

Council member Lafata moved to adopt **Ordinance No. 02-10-114** therein rezoning 15.7 acres, more or less 560± feet north of Main Street, 2,870± feet east of F. M. 423 from Agricultural to Single Family-4. Council member Allen seconded the motion. Voting Aye: Council member Allen, Council member Nichols, Deputy Mayor Pro-Tem Maso, Council member Lafata and Council member West. Voting Nay: Mayor Pro-Tem Reveal. Motion carried. Vote: 5-1.

- i) Adoption of **Ordinance No. 02-10-115** rezoning 4.5± acres on the southwest corner of Eldorado Parkway and Legacy Drive from Commercial-1 to Office-1 Neighborhood #45 Applicant(s): Schuh Holdings, Ltd Zoning Case Z2002-0020 (Planning – LS)
- j) Adoption of **Ordinance No. 02-10-116** therein granting a Specific Use Permit SUP2002-0013, A Specific Use Permit for a Child Day Care Center on 1.8± acres on the north side of Eldorado Parkway, 265± feet west of Legacy Drive Zoned Office – 1 Neighborhood #45 Applicant(s): Schuh Holdings, Ltd (Planning – LS)
- k) Adoption of **Ordinance No. 02-10-117** rezoning 107.4± acres on the southeast corner of Eldorado Parkway and North County Road from

Agricultural and Planned Development-71-Single-Family-4 to Single-Family-3 Neighborhood #11 Applicant(s): City of Frisco Zoning Case Z2002-0019 (Planning – LS)

- l) Adoption of **Ordinance No. 02-10-118** therein granting Specific Use Permit SUP2002-0015, a Specific Use Permit for an Antenna and Antenna Support Structure, Commercial (Over 50 feet) on 107 4± acres on the southeast corner of Eldorado Parkway and North County Road Zoned Planned Development-71-Single-Family-4 and Single-Family-3 Neighborhood #11 Applicant(s): AT&T Wireless (Planning – LS)
- m) Adoption of **Ordinance No. 02-10-119** therein rezoning 20 8± acres on the south side of Main Street, 1,200± feet east of Teel Parkway from Agricultural to Information & Technology Neighborhood #41 Applicant(s): Grace Avenue United Methodist Church Zoning Case Z2002-0018 (Planning – MW)
- n) Adoption of **Ordinance No. 02-10-120** therein granting a Specific Use Permit 2002-0014, A Specific Use Permit for a Beer and Wine Package Establishment that derives more than 75 percent of its revenue from the sale of beer and wine on 0 03± acre 150± feet west of Preston Road, 450± feet south of Warren Parkway Zoned Planned Development-25 Neighborhood #35 Applicant(s): The Vintner's Daughter (Planning – MW)

END OF LEGISLATIVE AGENDA

Regular Agenda

8. Public Hearing – Approval of a Replat: Starwood Phase 4, Village 15, Block C, Lot 1, One Single-Family lot on 0 5± acre on the northwest corner of Starwood Drive and Burkett Drive Zoned Planned Development-106-Single-Family Neighborhood #22 Applicant(s): Blue Star Land L P (Planning – CC)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Mayor Pro-Tem Reveal moved to approve the replat subject to staff comments (get from John's memo). Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

9. Public Hearing - Approval of a Replat: Frisco Market Place, Block A, Lot 1 (Kohl's) and Lot 5, Two lots on 10 8+ acres on the south side of Rolater Drive, 250+ feet east of Preston Road Zoned Commercial-1 Neighborhood #24 Applicant(s): JDN Development Company, Inc (Planning – HZ)

Council member Lafata moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir was present to address the council regarding the request for a replat. Mr. Lettelleir stated that the easements on the original plat had been inadvertently left off the plat. He stated that the easements have been added to the replat.

There being no one else present to address the Council Deputy Mayor Pro-Tem Maso moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to approve the replat. Council member West seconded the motion. Motion carried. Vote: unanimous.

10. Public Hearing: Zoning Case ZA2002-0008, A request to amend the Comprehensive Zoning Ordinance establishing a minimum separation between retail fuel dispensing establishments Applicant(s): City of Frisco Consider and act to instruct staff to prepare an Ordinance on the above request (Planning – LS)

Council member Allen moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel was present to address the Council regarding the Planning & Development staff's review of an establishment of a minimum separation between retail fuel dispensing establishments. Mr. Mousel stated that staff's recommendation is to leave the zoning ordinance as it currently exists.

There being no one else present to address the council Council member Allen moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Mayor Pro-Tem Reveal moved to dismiss any changes to the Zoning Ordinance regarding establishment of a minimum separation between retail fuel dispensing establishments. Council member West seconded the motion. Motion carried. Vote: unanimous.

11. APPEAL: Public Hearing: Zoning Case Z2002-0017, A request to rezone 6 0± acres from Agricultural to Retail on the north side of Main Street, 1,550± feet east of F M 423 Neighborhood #44 Applicant(s): 1200 F M 720 Assoc , Ltd Consider and act to instruct staff to prepare an Ordinance on the above request (Planning – LS)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations. Mr. Lettelleir stated that the case was on appeal from a denial of the Planning & Zoning Commission.

Mark Demattia was present to address the council requesting the item be tabled for two weeks.

David Demattia was present to address the council requesting the item be tabled for two weeks.

Mayor Pro-Tem Reveal moved to recess into Closed Session for private consultation with the attorney for the City at 7:50 p.m. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the Council was in Closed Session as authorized by Texas Government Code §551.071 for private consultation with the attorney for the City.

Mayor Pro-Tem Reveal moved to reconvene into Regular Session at 8:05 p.m. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Kathy Seei was present to address the Council asking them that honor the Comprehensive Land Plan and the amount of work that had gone into the plan, in essence speaking against the request.

Jeff Harrison, Kirk Williams and Tony Felker were present to speak in favor of the request to zone the property retail.

Dana Pray and Tonya Franzwa spoke in favor of the rezoning request to allow for an indoor soccer arena.

There being no one else present to address the council, Council member Allen moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Following lengthy discussion, Mayor Pro-Tem Reveal moved to **table** the item for two weeks. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

12. Approval of land acquisition in the amount of \$25,190 00 for previously discussed land relating to park in the West Falls Village (Parks and Recreation)

Council member Allen moved to approve the land acquisition in the amount of \$25,190.00 for previously discussed land relating to park in the West Falls Village. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

13. Discuss and give staff direction on the proposed relocation of the billboard sign on the southwest corner Preston Road and Preston Vineyard Drive (City Manager/GP)

City Manager George Purefoy updated the council on a request from Mr. Jim Williams regarding the relocation of the billboard sign on the southwest corner of Preston Road and Preston Vineyard Drive. Mr. Purefoy stated that the Council had approved the billboard with stipulations several meetings ago. Mr. Williams agreed to all of the stipulations except for the period the sign could remain. Mr. Purefoy stated that he would bring an agreement back to the Council on October 15, 2002 for their approval. Discussion only, no formal action was taken.

14. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement for the Library Lease for Frisco Square (City Manager/GP)

Assistant City Manager Jason Gray was present to address questions from the Council. Following discussion, Council member Allen moved to adopt **Resolution No. 02-10-147R** therein authorizing the City Manager to execute an Agreement for the Library Lease by and between the City of Frisco and Frisco Square. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

15. Approval of Settlement Agreement with the Dowds, authorizing the City Manager to execute the same and ratify the execution of the Settlement Agreement by the City Manager (City Manager/GP)

Council member Allen moved to approve a Settlement Agreement by and between the City of Frisco and the Dowds and authorizing the City Manager to sign the agreement and ratify the execution of the Settlement Agreement subject to the Release of Lien from the lender. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

16. Approval of an Ordinance to create an Affordable Housing Trust Fund Board (City Secretary)

Kent Conine, Janet McBride, Kathy Seei, Tony Felker and Janet MacCubbin were present to speak in favor of the adoption of an ordinance creating an Affordable Housing Trust Fund Board.

Bob Chambers spoke against the adoption of the ordinance based on the soft second loans referenced in the ordinance.

Following discussion, Council member Allen moved to adopt **Ordinance No. 02-10-121** subject to the following changes in the ordinance:

1. Page 2, G Program Policies, deletion of the language Grant Funds and Soft Second Loans and replace **with “funds”**.
2. Page 2, H. “Soft Second Loan(s)” **delete** entire paragraph.
3. Page 3, Change I to H, “Workforce Household(s)” **means a household as defined by the Program Policies**.
4. Page 3, Section 4 – Delete under the program, **the applicant must agree to use the funds (add) as defined in the Program Policies**.
5. Page 4, line 8 – **add assistance as defined in the Program Policies, and remove the reference to “Soft Second Loans”**.
6. Page 4, Section 9 Number of Board Members/Appointment/Terms – **term commencing on October 2002 and expiring on June 2003**.
7. Page 5, Modify to reflect meetings will be on the first Wednesday of each month.
8. Page 7, J. add the language, **the execution of the Program Policies, and remove the reference to “Soft Second Loans”**.

Council member West seconded the motion. Voting Aye: Council member Allen, Council member Nichols, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso and Council member West. Voting Nay: Council member Lafata. Vote: 5-1.

17. Consider and act upon appointment of individuals to the Affordable Housing Trust Fund Board (City Secretary)

Mayor Pro-Tem Reveal moved to appoint the following individuals to the Affordable Housing Trust Fund Board:

Mark Claster
Kathy Seei
Michael McBride
Christopher Hunter
Ronald Adamo

Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

18. Consider and act upon appointment of Individual to the North Texas Municipal Water District Board (term expires May 2004) (City Secretary)

Mayor Simpson announced that Buddy Minett had withdrawn his application for appointment to NTMWD Board of Directors.

Following discussion, Mayor Pro-Tem Reveal moved to open for nominations. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Council member Allen nominated Gary Downey for appointment to the NTMWD Board (term to expire in May 2004).

Mayor Pro-Tem Reveal moved that nominations cease. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Gary Downey was appointed by acclamation.

19. Discussion of Ordinance 00-05-14 regarding the parking ordinance as it relates to RVs, campers, and boats (City Council/BA)

Discussion only, no formal action was taken.

20. Governance Agenda

No action was taken.

21. Recess into Closed Session in compliance with Section 551 001 et seq Texas Government Code

Mayor Pro-Tem Reveal moved to recess into Closed Session at 10:30 p.m. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the City Council was in Closed Session at 10:30 p.m. as authorized by the Texas Government Code:

- A. Section 551 086 Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect
- B. Section 551 072 To deliberate the purchase, exchange, lease or value of real property located:
- C. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289

- D. south of Warren Parkway, north of SH121, east of Dallas Parkway and west of SH 289
- E. Section 551 074 Evaluation of City Manager

22. Reconvene into Regular Session and take any action necessary as a result of the Closed Session

Mayor Pro-Tem Reveal moved to reconvene into Regular Session at 11:30 p.m. Council member West seconded the motion. Motion carried. Vote: unanimous. There was no action taken as a result of the Closed Session.

23. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda

Discussion only, no formal action was taken.

24. Discussion on Governance Monitoring of present City Council Meeting

Review of monitoring of the present meeting. Discussion only, no formal action was taken.

25. Adjourn

There being no additional business, the meeting was adjourned at 11:45 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary